

Board of Supervisors

Patrick Call
Chairman,
District 1

Paul Newman
Vice-Chairman,
District 2

Leslie E. Thompson
District 3



Jody N. Klein
County Administrator

Nadine Parkhurst
Clerk

RESOLUTION NO. 04-106


Establishing administrative fees for the Cochise County Superior Court and Cochise County Justice of the Peace Courts

WHEREAS, the Superior and Justice Courts in Cochise County wish to establish certain administrative fees (Exhibit 1) to defray costs associated with issuing and processing certain warrants, suspension of driving privileges in cases of default, petitions for conciliation/mediation, and to enhance court operations; and

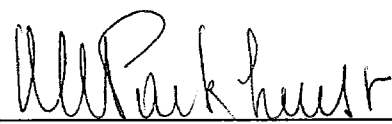
WHEREAS, A.R.S. 11-251.08 authorizes a board of supervisors to adopt fee schedules for any specific products and services the county provides to the public to defray or cover the expense of the product or service for which the fee or charge is assessed;

IT IS RESOLVED, that the Cochise County Board of Supervisors hereby adopts the Judicial Administrative Fee Schedule (Exhibit 1) this 23 day of November 2004.

APPROVED


Patrick Call, Chairman

ATTEST:


Nadine Parkhurst, Clerk of the Board



FEE # 041138302
OFFICIAL RECORDS
COCHISE COUNTY
DATE 11/24/04 HOUR 3

REQUEST OF
COCHISE COUNTY BOARD OF SUPV
CHRISTINE RHODES-RECORDER
FEE : PAGES : 5

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EXHIBIT 1

JUDICIAL ADMINISTRATIVE FEE SCHEDULE

(Effective January 1, 2005)

Pursuant to Cochise County Resolution No. 2004-

Pursuant to A.R.S. 11-251.08 (A), the Judicial Branch in Cochise County establishes certain administrative fees in order to defray costs associated with issuing and processing certain warrants, suspension of driving privileges in cases of default, petitions for conciliation/mediation, and to enhance court operations.

SECTION 1: AUTHORITY/PURPOSE/JURISDICTION/TITLE

- 1.1_ Authority. Cochise County is authorized by Section 11.251.08 (A) of the Arizona Revised Statutes to adopt fee schedules for specific products and services the county provides to the public. In Arizona Attorney General's Opinion N. 195.63 (December 18, 1995) the Attorney General determined that A.R.S. 11-251.08 (A) authorized the Board of Supervisors to "establish fees for any specific products or services that the county provides to the public and to authorize courts to collect any established court-related fees."
- 1.2_ Purpose. It is the purpose of this administrative fee schedule to defray certain costs in the Justice Courts associated with the additional work related to issuing and processing numerous warrants and the suspension of driving privileges. It further establishes a Court Enhancement Fee to provide funds supplementing, but not supplanting, budgeted funds dedicated to staff and operational requirements of judges pro tem in superior court and for advancing court operations. The Court Enhancement Fund shall not be deemed to relieve the county of its funding responsibilities to the overall operation of the judicial branch.
- 1.3_ Jurisdiction. This fee schedule shall apply to all courts Superior and Justice Courts in Cochise County.
- 1.4_ Title. This fee schedule shall be known as the Cochise County Judicial Administrative Fee Schedule.

SECTION 2: WARRANT AND SUSPENSION FEES

- 2.1 **Warrant Fee.** The Cochise County Justice Courts may collect a warrant fee of seventy-five dollars (\$75) for each warrant a court is required to issue as the result of a Failure to Appear, which includes any failure to appear at a scheduled or otherwise required court appearance or for failure to comply with court orders. This fee shall be added to the amount set forth in the arrest warrant.
- 2.2 **Suspension Fee.** The Cochise County Justice Courts may collect a suspension fee of fifty dollars (\$50) for each suspension of an Arizona driver's license privilege to drive in

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the State of Arizona which the court is required to issue as the result of a failure to pay a civil sanction or a default judgment in a civil traffic matter or an out-of-state driver's license privilege as a result of failure to pay a civil sanction or a default judgment in a civil traffic matter provided the state that issued the driver's license is a participant in the Non-Resident Violator Compact (NRVC).

- 2.3 Reserve Fund.** The Reserve Fund shall be established as a non-reverting special revenue fund for each Justice Court to provide the courts with funding for any non-personnel related expenditures as determined by the court.
- 2.4 Deposit into special revenue and court enhancement funds.** All warrant and suspension fees collected under this section shall be received by the Justice Courts in a manner consistent with the Arizona Supreme Court Accounting Standards. Sixty-five percent (65%) shall be deposited with the County Treasurer on a monthly basis for deposit into the court enhancement fund as established in Section 3.3. Thirty-five percent (35%) shall be deposited with the County Treasurer on a monthly basis for deposit into each court's reserve fund as established in section 2.3.

SECTION 3: COURT ENHANCEMENT FEE

- 3.1 Justice Courts.** The Cochise County Justice Courts may collect a court enhancement fee of ten dollars (\$10) which shall be assessed in addition to any fees associated with the filing of civil cases.
- 3.2 Superior Court.** The Cochise County Superior Court may collect a court enhancement fee of forty dollars (\$40) which shall be assessed in addition to any fees associated with any filing of civil, domestic relations, probate and guardianship/conservatorship cases. This assessment shall be applied to any filing in the aforementioned categories subject to fees as established by A.R.S. 12-284.
- 3.3 Court Enhancement Fund.** The Court Enhancement Fund shall be established as a non-reverting special revenue fund. All Court Enhancement fees shall be used to supplement, but not supplant, budgeted funds dedicated to staff and operational requirements of judges pro tem in superior court and for advancing court operations. The Court Enhancement fee shall be received by the court in a manner consistent with the Arizona Supreme Court Accounting Standards and deposited with the County Treasurer on a monthly basis for deposit into the Court Enhancement Fund. Interest earned on fund monies shall be deposited into the fund.

SECTION 4: Petition for Conciliation/Mediation

- 4.1 Petition for Conciliation/Mediation Services.** The Cochise County Superior Court may collect a fee of \$65 upon the filing of a Petition for Conciliation/Mediation services not associated with a domestic relations matter filed in the Superior Court.
- 4.2. Deposit into Conciliation/Mediation Fund.** The fee shall be received by the court in a manner consistent with the Arizona Supreme Court Accounting Standards and deposited with the County Treasurer on a monthly basis for deposit into the Conciliation/Mediation Fund.

SECTION 5: WAIVE/SUSPEND/DEFER

- 5.1 Waive, suspend, and defer fees.** Any Superior Court Judge, Justice of the Peace, Justice of the Peace Pro Tempore, or Hearing Officer may waive, suspend or defer payment of all or part of any fee upon a determination of economic hardship as defined by the Federal Poverty Guidelines on the part of the defendant or in the interest of justice.

JUDICIAL ADMINISTRATIVE FEE SCHEDULE
(Effective January 1, 2005)

Justice Court Warrant Fee	\$75.00
Justice Court Suspension Fee	\$50.00
Justice Court Court Enhancement Fee	\$10.00
Superior Court Court Enhancement Fee	\$40.00
Superior Court Concillation/Mediation Services Fee	\$65.00

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